

Dole	Landrieu	Rockefeller
Domenici	Lautenberg	Salazar
Dorgan	Leahy	Sanders
Durbin	Levin	Schumer
Ensign	Lieberman	Sessions
Enzi	Lincoln	Shelby
Feingold	Lott	Smith
Feinstein	Lugar	Snowe
Graham	Martinez	Specter
Grassley	McCain	Stabenow
Gregg	McCaskill	Stevens
Hagel	McConnell	Sununu
Harkin	Menendez	Tester
Hatch	Mikulski	Thomas
Hutchison	Murkowski	Thune
Inhofe	Murray	Vitter
Inouye	Nelson (FL)	Voinovich
Isakson	Nelson (NE)	Warner
Kennedy	Obama	Webb
Kerry	Pryor	Whitehouse
Klobuchar	Reed	Wyden
Kohl	Reid	
Kyl	Roberts	

## NOT VOTING—3

Biden	Brownback	Johnson
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The nomination was confirmed.

## NOMINATION OF PHILIP S. GUTIERREZ

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Gutierrez nomination.

Mr. LEAHY. Madam President, Philip S. Gutierrez is the second nomination we consider today to a seat deemed to be a judicial emergency. We considered his nomination in the Judiciary Committee late last week and the two Senators from California have urged we move this nomination without further delay. I am pleased that we are able to do so today. As I said earlier before the vote to confirm Lisa Godbey Wood to fill an emergency vacancy in Georgia, Judge Gutierrez's nomination will be the 102nd to be confirmed while I have served as Judiciary Committee chairman and the 260th nominee of President Bush to be confirmed.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank the majority leader and Chairman LEAHY for bringing up the nomination of Philip Gutierrez. He has an outstanding academic record. His bachelor's degree is from the University of Notre Dame. He has a law degree from UCLA. He has been rated "well qualified" by the American Bar Association.

Judge Gutierrez was nominated during the last Congress and his nomination reported out of the Judiciary Committee with a favorable recommendation on September 21, 2006. The Senate, however, did not act on his nomination prior to adjournment of the 109th Congress.

President Bush renominated Judge Gutierrez in the 110th Congress and his nomination reported out of the Judiciary Committee on January 25, 2006.

Judge Gutierrez received his BA degree from the University of Notre Dame in 1981 and a JD from the UCLA School of Law in 1984.

Judge Gutierrez's substantial experience both in private practice and on the California Superior Court have prepared him to serve on the Federal bench.

He began his legal career as an associate with the Los Angeles firm Wolf,

Pocrass & Reyes from 1984 to 1986 and then worked as an associate with Kern & Wooley from 1986 to 1988. At both firms, Judge Gutierrez worked on civil tort liability litigation.

In 1988, Judge Gutierrez joined the law firm of Cotkin & Collins in Santa Ana as managing partner. At Cotkin, he focused his practice on business litigation with an emphasis in professional liability and insurance coverage.

In 1997, Judge Gutierrez was appointed to serve on the Whittier Municipal Court where he presided over misdemeanors, felony arraignments, and civil matters.

In 2000, he was elevated to the Los Angeles County Superior Court where he currently sits in the Pomona division. He presides over a range of significant civil and criminal matters, including felony cases.

Active in judicial governance and education, Judge Gutierrez currently serves on the Los Angeles County Superior Court Executive Committee and the California Judges Association's Committee on Judicial Ethics, of which he is a former chair.

He serves on several committees of the California Center for Judicial Education and Research.

The American Bar Association has rated Judge Gutierrez unanimously "well qualified."

Madam President, I know the Members on the Senate floor would like to have a detailed description of his résumé, but they will have to read it in the CONGRESSIONAL RECORD. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## PHILIP STEVEN GUTIERREZ

UNITED STATES DISTRICT JUDGE FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

Birth: October 13, 1959, Los Angeles, CA

Legal Residence: California.

Education: B.A., 1981, University of Notre Dame; J.D., 1984, U.C.L.A. School of Law.

Employment: Associate, Wolf, Pocrass & Reyes, 1984-1986; Associate, LaFollette, Johnson, DeHaas, Fesler & Ames, 07/86-09/86; Associate, Kern & Wooley, October 1986-1988; Managing Partner, Cotkin & Collins, 1988-1997; Judge, Whittier Municipal Court, 1997-2000; Judge, Los Angeles Superior Court, 2000-Present.

Selected Activities: Chair, California Judges Association, Committee on Judicial Ethics, 2003-2004; Vice Chair, 2002-2003; Member, Los Angeles Superior Court Executive Committee, 2005-Present; Member, California Center for Judicial Education and Research, 2000-Present; Seminar Leader and Faculty Member, B.E. Witkin California Judicial College, 2004-2005; Member, State Bar Committee on Professional Liability Insurance, 1991-1997; Member, American Bar Association, Tort and Insurance Practice Insurance Coverage Litigation Committee, 1992-1997; Member, Orange County Bar Association, 1988-1997; Board Member, Hispanic Bar Association of Orange County, 1993-1995; Board Member, Westside Legal Services, 1986-1998.

Madam President, I yield the floor.

Mr. CRAIG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 36 Ex.]

## YEAS—97

Akaka	Durbin	Mikulski
Alexander	Ensign	Murkowski
Allard	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Leahy
Collins	Leahy	Sununu
Conrad	Levin	Tester
Corker	Lieberman	Thomas
Cornyn	Lincoln	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
Dodd	McCain	Webb
Dole	McCaskill	Whitehouse
Domenici	McConnell	Wyden
Dorgan	Menendez	

## NOT VOTING—3

Biden	Brownback	Johnson
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### IRAQ

Mr. OBAMA. Mr. President, today in Iraq we sadly find ourselves at the very point I feared when I opposed giving the President the open-ended authority to wage this war in 2002, an occupation of undetermined length and undetermined cost, with undetermined consequences in the midst of a country torn by civil war.

The American people have waited. The American people have been patient. We have given chance after chance for a resolution that has not come and, more importantly, watched with horror and grief at the tragic loss of thousands of brave young American soldiers.

The time for waiting in Iraq is over. The days of our open-ended commitment must come to a close. The need to bring this war to an end is here.

That is why today I am introducing the Iraq War De-escalation Act of 2007. This plan would not only place a cap on the number of troops in Iraq and stop the escalation; more importantly, it would begin a phased redeployment of United States forces with the goal of removing all United States combat forces from Iraq by March 31, 2008, consistent with the expectations of the bipartisan Iraq Study Group that the President has so assiduously ignored.

The redeployment of troops to the United States, Afghanistan, and elsewhere in the region would begin no later than May 1 of this year, toward the end of the timeframe I first proposed in a speech more than 2 months ago.

In a civil war where no military solution exists, this redeployment remains our best leverage to pressure the Iraqi Government to achieve the political settlement between its warring factions, that can slow the bloodshed and promote stability. My plan allows for a limited number of United States troops to remain as basic force protection, to engage in counterterrorism, and to continue the training of Iraqi security forces.

If the Iraqis are successful in meeting the 13 benchmarks for progress laid out by the Bush administration itself, this plan also allows for the temporary suspension of the redeployment, provided Congress agrees that the benchmarks have actually been met and that the suspension is in the national security interest of the United States.

The United States military has performed valiantly and brilliantly in Iraq. Our troops have done all we have asked them to do and more, but no amount of American soldiers can solve the political differences at the heart of somebody else's civil war, nor settle the grievances in the hearts of the combatants.

It is my firm belief that the responsible course of action for the United States, for Iraq and for our troops, is to

oppose this reckless escalation and to pursue a new policy. This policy I have laid out is consistent with what I have advocated for well over a year, with many of the recommendations of the bipartisan Iraq Study Group, and with what the American people demanded in the November election.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and for patience, is over. Too many lives have been lost and too many billions of dollars have been spent for us to trust the President on another tired and failed policy that is opposed by generals and experts, Democrats and Republicans, Americans, and many of the Iraqis themselves.

It is time for us to fundamentally change our policy. It is time to give the Iraqis back their country. And it is time to refocus America's efforts on the challenges we face at home and the wider struggle against terror yet to be won.

Thank you very much, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

### TRADE RELATIONS WITH LATIN AMERICA

Mr. GRASSLEY. Mr. President, I rise to speak on the U.S. trade agenda. There are a number of important items on this year's trade agenda, including reauthorization of Trade Promotion Authority for the President and reauthorizing our trade adjustment assistance programs for workers who are displaced by trade. I will speak on those priorities another day.

Today I want to focus on our trade relations with our neighbors in Central and South America. During my chairmanship of the Finance Committee, Congress passed implementing bills for trade agreements covering 12 countries. Out of these 12 countries, over half—7—are located in Latin America. I am pleased that Congress acted to strengthen our economic relations with Chile, the Dominican Republic, Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica, by implementing our trade agreements with these neighbors to the south. And I think we should all be pleased that these seven countries made it a priority to develop closer economic ties with us and to further commit themselves to transparency and the rule of law.

I hope that the current Congress will continue working to strengthen economic relations between the United States and Latin America. Fortunately, we already have a roadmap for

doing so. We have concluded free trade agreements with Peru and Colombia, and we are about to sign an agreement with Panama. It is up to this Congress to pass implementing legislation for these agreements. Failure to do so would only damage our relations with these important allies and embolden other southern neighbors who are increasingly hostile to the United States.

Moreover, by implementing our trade agreements with Peru, Colombia, and Panama, we would provide an important boost for U.S. exporters. During my time in the Senate, I have heard many of my colleagues complain that the global trade situation reflects an uneven playing field. To some extent, I agree. In too many cases, the duties imposed on U.S. exports by our trading partners are much higher than our duties. That is certainly the situation with Peru, Colombia, and Panama. Right now, almost all imports from those three countries enter the United States duty free. Ninety percent of the value of our imports from Colombia enter duty-free. With respect to Panama, it is over 95 percent, and with respect to Peru it is 97 percent.

On the other hand, our exports to these countries face significant duties. Colombia's tariffs generally range from 10 to 20 percent, while those of Peru range from 12 to 25 percent. After Panama acceded to the World Trade Organization in 1997 its tariffs averaged 8 percent, but since then Panama has raised tariffs on certain agricultural products. For example, Panama's tariff on pork—a major Iowa product—is currently 74 percent, while its tariff on chicken imports is 273 percent. Now that is what I call a one-way street.

This imbalance is largely the result of unilateral trade benefits that we extend to these nations. Panama gets duty-free access to our markets under the Caribbean Basin Initiative, while Peru and Colombia are eligible under the Andean Trade Preference Act. And all three are eligible under our Generalized System of Preferences.

The nonpartisan U.S. International Trade Commission, ITC, analyzed our trade agreements with Peru and Colombia. The ITC concluded that these agreements will help to level the playing field that is currently tilted against U.S. exporters.

Here is what the ITC has to say about our trade promotion agreement with Peru:

Given the substantially larger tariffs faced by U.S. exporters to Peru than Peruvian exporters to the United States, the TPA is likely to result in a much larger increase in U.S. exports than in U.S. imports.

The ITC goes on to state that the agreement will likely increase U.S. exports to Peru by 25 percent, while Peruvian exports to the United States will grow by 8 percent.

The ITC's analysis of our trade promotion agreement with Colombia draws similar conclusions. The ITC report states that:

Colombian exporters generally face substantially lower tariffs in the U.S. market